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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/816,615	03/13/97	MANZO	S 1876 (203-183)

33M1/0211

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EXAMINER	
ISABELLA, D	
ART UNIT	PAPER NUMBER
3308	6

DATE MAILED: 02/11/98

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No.
08/816,615

Applicant(s)
MANZO ET AL

Examiner
ISABELLA, DAVID

Group Art Unit
3308



☒ Responsive to communication(s) filed on Jan 8, 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 3-6, and 8-25 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1, 3-6, 8, and 10-15 is/are allowed.

☒ Claim(s) 9 and 16-25 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3308

This action is in response to applicant's amendment filed on January 8, 1998. Applicant's amendment cancels claims 2 and 7. Currently claim 1,3-6,8-25 are pending for action.

Claims 2,3,4,8 and 10-15 were indicated to be allowable if rewritten to overcome the rejection under 35 USC 112.

1. Claims 1,3,4,5,6,8 and 10-15 are allowed.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9,16-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaster.

Kaster discloses a graft assembly comprising a graft member 12, including a base portion 12a-d, a branch portion 12f,e, a clamp member 14 and locking member 16&18.

Contrary to applicant's arguments, Kaster does disclose the graft assembly as broadly claimed. The locking member may be positioned anywhere along the length of the branch member and is in this particular embodiment, spaced from the base portion and the clamp member.

4. Applicant's arguments filed 1-8-98 have been fully considered but they are not persuasive. See argument in paragraph 3 supra.

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5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to David J Isabella at telephone number (703) 308-3060.


DAVID J ISABELLA

PRIMARY EXAMINER

DJI

2-9-98